

REMARKS

Claims 47-59 have been rejected. Claim 55 is herewith canceled. Claims 47, 53, 58 and 59 are herewith amended. With the entry of this amendment, claims 47, 48, 49, 50, 51, 52, 53, 54, 56, 57, 58 and 59 are pending for examination. No new matter is added with the above amendment. Support for amended claim 53 can be found at page 7, lines 11-15.

Response to the Examiner's Rejections and Objections**I. Miscellaneous**

In paragraph 1, the Examiner instructs applicants to properly add the continuation data into the specification. Applicants herewith comply by canceling the paragraph added by way of Preliminary Amendment dated December 3, 2003 and adding a new paragraph.

Applicants thank Examiner DiBrino for the telephonic interview with applicants' counselor on April 18, 2006. Applicants believe the above amendments reflect the Examiner's comments, put this case in condition for allowance, and are therefore proper. Entry of the amendments is respectfully requested.

II. Rejections under 35 USC §112

In paragraph 5, the Examiner rejects claims 52-55, 58 and 59 under 35 USC § 112, first paragraph, for failure to comply with the written description requirement. The Examiner explains that this is a new matter rejection.

In paragraph 6, the Examiner rejects claims 47-59 as failing to comply with the written description requirement.

With regard to claim 58, the Examiner states at page 4, second paragraph, that there is insufficient disclosure in the specification to a composition comprising a nucleic acid sequence encoding CEA and a nucleic acid sequence encoding one of SEQ ID NO:2-5.

Applicants respectfully traverse the above rejections. However, in further response, applicants herewith amend the claims. Applicants respectfully assert that these amendments address the Examiner's concerns about the breadth of the sequences encompassed by the claims, put the claims in condition for allowance and therefore should be entered.

III. Prior Art Rejections

In paragraph 8, the Examiner has concluded that the claims are not entitled to applicants' earliest priority date. Specifically, the Examiner has rejected claims 52, 54, 58 and 59 under 35 USC § 102(e) as being anticipated by US 2004/0019195 A1. The Examiner has similarly rejected claims 52-55, 58 and 59 as being obvious over this reference in view of US 2005/0101559A1. Therefore, the Examiner has rejected the claims over art that published after what applicants believe to be their earliest priority date.

Applicants believe these rejections are rendered moot by the amendments to the claims which overcome the new matter rejections thereby affording the claims the filing date to which they claim priority. Consequently, applicants respectfully request the Examiner to reconsider and withdraw the rejections over the prior art.

IV. Double Patenting

In paragraphs 13-15, the Examiner again mentions the non-statutory double patenting rejections and reminds applicants to file a terminal disclaimer. Applicants assert that the co-pending applications were commonly owned at the time of the invention. Terminal disclaimers will be filed as needed to overcome double patenting issues that remain when the Examiner indicates that this application contains allowable subject matter.

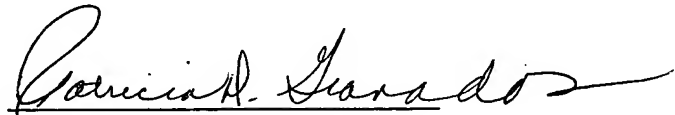
Conclusion

In view of the foregoing, applicants respectfully request reconsideration and withdrawal of the instant rejections. The Examiner is invited to contact the undersigned if any questions arise regarding this response.

Respectfully submitted,

Date: May 22, 2006

Heller Ehrman LLP
1717 Rhode Island Avenue, N.W.
Washington, D.C. 20036-3001
Telephone: (202) 912-2142
Facsimile: (202) 912-2020



Patricia D. Granados
Reg. No.: 33,683

Customer No. 44991